

Message

Sent: 9/11/2018 5:39:49 PM
To: Fish, Kim (DEQ) [FISHK@michigan.gov]
Subject: FW: Aquila follow up

Peter Swenson (WW-16J)
Chief, Watersheds and Wetlands Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
312-886-0236
swenson.peter@epa.gov

From: Pallesen, Reginald A.
Sent: Tuesday, September 11, 2018 10:14 AM
To: Melgin, Wendy <melgin.wendy@epa.gov>; Swenson, Peter <swenson.peter@epa.gov>; Burdick, Melanie <Burdick.Melanie@epa.gov>
Subject: RE: Aquila follow up

I think it is ok for the reasons stated by Melanie and Wendy. I would make clear to Kim that any clarifications should not and do not change the permit conditions.

Reginald A. Pallesen
Associate Regional Counsel
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
312-886-0555

From: Melgin, Wendy
Sent: Tuesday, September 11, 2018 9:36 AM
To: Swenson, Peter <swenson.peter@epa.gov>; Pallesen, Reginald A. <pallesen.reginald@epa.gov>; Burdick, Melanie <Burdick.Melanie@epa.gov>
Subject: RE: Aquila follow up

The letter just confirms what our conditions said so think that part is ok. The important part will be their response.

From: Swenson, Peter
Sent: Tuesday, September 11, 2018 9:29 AM
To: Pallesen, Reginald A. <pallesen.reginald@epa.gov>; Burdick, Melanie <Burdick.Melanie@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>
Subject: RE: Aquila follow up

I feel like I need to get back to Kim. Does anyone have thoughts on this?

From: Swenson, Peter

Sent: Thursday, August 30, 2018 10:58 AM

To: Pallesen, Reginald A. <pallesen.reginald@epa.gov>; Burdick, Melanie <Burdick.Melanie@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>

Subject: FW: Aquila follow up

Reg and all

Please see message and attachment from Kim Fish. Instead of making any modifications to the permit, MDEQ would like to send a letter to Aquila answering questions and clarifying the meaning of certain permit conditions. She would like input on the approach.

It seems to me that this could be ok, as long as the clarifications in the letter are consistent with the permit language, but am interested in your thoughts.

Peter

From: Fish, Kim (DEQ) [<mailto:FISHK@michigan.gov>]

Sent: Thursday, August 30, 2018 10:44 AM

To: Swenson, Peter <swenson.peter@epa.gov>

Subject: Aquila follow up

Peter

I've discussed your comments regarding public noticing and potential public hearing requirements for permit modifications with the Aquila representatives. They would prefer to clarify the permit conditions, rather than modify the permit.

I've started to draft a letter of clarification, but before I put more time into it I'd like your input. Attached is an extremely rough draft of a letter, I've only covered the first few sections of the permit so far, but could you please look at it and provide me your feedback. Would a letter like this still be considered a permit modification under the 404 regulations, or is this type of clarification letter not covered under the modification regulations? I envision this letter discussing each section of the permit that Aquila has questioned, explaining our intent of the permit language but not modifying the actual permit conditions.

Thanks for your help.

Kimberly Fish
Assistant Division Director, Water Resources Division
Michigan Dept. of Environmental Quality
517-599-9040